

HOUSE BILL 9074

By Sexton C

AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 6 and Title 58, Chapter 2, relative to executive actions regarding emergencies.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 58-2-119, is amended by redesignating the current language as subsection (a) and adding the following as a new subsection:

(b)

(1) It is the duty of each public official who has the authority and duty to execute and enforce the laws of this state to execute and enforce the orders and rules issued pursuant to this chapter.

(2) If a public official knowingly takes an action to avoid executing or enforcing the orders and rules issued under this chapter or knowingly fails to act as required by the orders and rules issued under this chapter, the attorney general and reporter shall petition a court of competent jurisdiction for:

(A) A writ of mandamus or an injunction, as necessary, from a court of competent jurisdiction ordering the public official to comply with subdivision (b)(1) or to cease interfering with the implementation of the order or rule; and

(B) A civil penalty imposed against the public official of:

(i) No more than ten thousand dollars (\$10,000); and

(ii) If the public official refuses to comply with the writ of mandamus or injunction, an additional one thousand dollars

(\$1,000) for each day after the issuance of the writ of mandamus or injunction during which the public official refuses to comply.

(3) Notwithstanding any law to the contrary, a public official against whom a writ of mandamus or an injunction is issued pursuant to this subsection (b) is personally liable for any civil penalty imposed against the public official.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.